



CANNON BUILDING
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DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	BOARD OF FUNERAL SERVICES
MEETING DATE AND TIME:	Tuesday, January 31, 2012, 10:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor of the Cannon Building
MINUTES APPROVED:	March 27, 2012

MEMBERS PRESENT

Chad Chandler, Professional Member, President
Harry Fletcher, Professional Member, Secretary
Robert O. Wright, Professional Member
William Torbert, Professional Member
Marceline Knox, Public Member
M.C. Byrd, Public Member
Danna Levy, Public Member

MEMBERS ABSENT

None

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Patricia Davis-Oliva, Deputy Attorney General
Michele Howard, Administrative Specialist II
Sandra Wagner, Administrative Specialist III

OTHERS PRESENT

Thomas Melvin
Crystal Johnson

CALL TO ORDER

Mr. Chandler called the meeting to order at 10:01 a.m.

REVIEW OF MINUTES

The Board reviewed the minutes of the October 25, 2011 meeting. Ms. Byrd made a motion, seconded by Ms. Levy, to approve the minutes as presented. The motion passed unanimously.

UNFINISHED BUSINESS

The Conference 2012 Annual Meeting, Little Rock, Arkansas – Mr. Fletcher

Mr. Fletcher will attend as the Board's representative and submit a report to the Board at its next meeting. Mr. Wright stated that he may also attend.

RULES AND REGULATIONS

Licensure by Reciprocity

Deemed Substantially Similar by the Legislative Subcommittee: PA, MD, NJ

Deemed Not Substantially Similar by the Legislative Subcommittee: VA

Mr. Chandler stated that the Legislative Subcommittee previously reviewed the licensure requirements of Pennsylvania, Maryland, and New Jersey, and deemed them to have substantially similar requirements to Delaware. The Subcommittee also reviewed the licensure requirements of Virginia and deemed it to be non-substantially similar to Delaware. Ms. Davis-Oliva stated there are additional steps that a licensee must take in order to qualify for licensure in Delaware if they are currently licensed in a non-substantially similar state. Mr. Wright stated that his understanding after the Subcommittee's review was that licensees from non-substantially similar states would not qualify for licensure in Delaware. Ms. Davis-Oliva referred Mr. Wright to the Board's statute. Ms. Davis-Oliva clarified that Delaware does not have absolute reciprocity with any states, but that applicants who are currently licensed in states deemed substantially similar to Delaware have already met certain requirements for licensure. Mr. Fletcher made a motion, seconded by Ms. Levy, to accept the recommendations of the Legislative Subcommittee. The motion passed unanimously.

Funeral Establishment Inspections

Review Documents from Mr. Wright

Vote on Amending Statute

The Board reviewed a packet of documents from Mr. Wright, which included a draft of a sample letter to applicants, a sample application for a Funeral Service Establishment Permit, and a sample checklist for establishment inspections. Mr. Wright summarized the documents for the Board. Mr. Chandler questioned the process for the Board to gain the authority to perform establishment inspections, and Ms. Davis-Oliva responded. Mr. Wright stated that he believes that the Division of Professional Regulation has already hired two additional investigators, who could be used as Funeral Establishment Inspectors. The Board discussed inspections as a requirement for initial licensure, inspections based on complaints filed with DPR, and possible discipline for failure to pass an inspection. Mr. Chandler and Mr. Fletcher questioned OSHA requirements and how they compare to the list of safety requirements proposed by Mr. Wright. During discussion, the Board entertained random comments from Mr. Tom Melvin of the public. Mr. Wright stated that Delaware is unconcerned with the funeral industry in Delaware, and added that the Board has historically taken a hands-off approach. Mr. Wright questioned whether Board members would be involved in the inspection process. Ms. Davis-Oliva advised that the Division of Professional Regulation would perform inspections, not Board members. After further discussion, Mr. Fletcher made a motion, seconded by Ms. Levy, to have Ms. Davis-Oliva draft a bill for the Board's review, granting the Board the authority to require inspections of funeral establishments for initial licensure, and thereafter on a random and complaint-driven basis. The motion passed unanimously.

Advertising – Finalized

After discussion, the Board agreed to put the advertising regulations out for publication and schedule a public hearing.

Next Legislative Subcommittee Meeting – To Be Determined

The Board agreed that a meeting of the Legislative Subcommittee is not necessary at this time.

NEW BUSINESS

RATIFICATION OF LICENSURE None

REVIEW OF RESIDENT INTERN REPORTS

Crystal Johnson

3rd Quarterly Progress Report

2 Embalming Reports

Mr. Chandler and Mr. Fletcher reviewed the reports. Mr. Fletcher made a motion, seconded by Ms. Levy, to accept the 3rd Quarterly Progress Report and 2 Embalming Reports of Crystal Johnson. The motion passed unanimously.

REVIEW OF APPLICATIONS FOR LICENSURE

Talana D. Watson – Funeral Director by Reciprocity (MD)

Mr. Chandler and Mr. Fletcher reviewed the application. Mr. Fletcher made a motion, seconded by Ms. Knox, to approve the licensure application of Talana D. Watson contingent on her passing the state exam. The motion passed unanimously.

REVIEW OF APPLICATIONS FOR CONTINUING EDUCATION APPROVAL

Pennsylvania Cemetery Cremation & Funeral Association (PCCFA)

Providing Consumers with Payment Options, 1/4/12, 9:00 a.m. – 10:00 a.m., Requesting 1.0 CEU

Celebrant Services, 1/4/12, 10:15 a.m. – 11:15 a.m., Requesting 1.0 CEU

Whose Family Is It Anyway?, 1/4/12, 11:30 a.m. – 12:30 a.m., Requesting 1.0 CEU

Cremation Today: The State of the Practice, 1/4/12, 1:30 p.m. – 2:30 p.m., Requesting 1.0 CEU

Address the Public About Your Profession, 1/4/12, 2:45 – 3:45 p.m., Requesting 1.0 CEU

Home Funerals: Caring for Our Own at Death, 1/4/12, 4:00 p.m. – 5:00 p.m., Requesting 1.0 CEU

Getting to Know the Cremation Consumer – An Initial Action Plan, 1/5/12, 9:00 a.m. – 11:15 a.m. (minus 15 min break, Requesting 2.0 CEUs

Social Media in Contemporary Funeral Service, 1/5/12, 11:30 a.m. – 12:30 p.m., Requesting 1.0 CEU

The Canary in the Coal Mine: A Best Practices Seminar on Covering Your Bases, 1/5/12, 1:30 p.m. – 3:45 p.m. (minus 15 min break), Requesting 2.0 CEUs

Funeral Service Recruitment and Retention Study Commissioned by the Funeral Service Foundation, 1/5/12, 4:00 p.m. – 5:00 p.m., Requesting 1.0 CEU

Mr. Chandler, Mr. Torbert and Mr. Fletcher reviewed the applications. Mr. Wright questioned the process of submitting continuing education for Board approval, and Ms. Howard responded. Mr. Torbert made a motion, seconded by Mr. Fletcher, to approve the courses as presented. The motion passed by a majority vote, with Mr. Wright opposed.

Arizona State University Polytechnic Campus, Social and Behavioral Science

Death and Dying: Cross Cultural Perspectives ASB 353, 3/26/11 – 5/6/11 Online Course, Req'g 40.0 CEUs

Mr. Chandler reviewed the application, and referenced Rule 9.4.1 which states in part the following:

One college credit hour is equivalent to 5 CE credit hours.

Ms. Knox made a motion, seconded by Ms. Levy, to approve the online course for 20.0 CEUs. The motion passed unanimously.

Continental Computer Corporation

The Director's Assistant, 3/10/12, 6/23/12, 9/22/12, 12/8/12, Requesting 8.0 CEUs

Mr. Chandler reviewed the application. Ms. Byrd made a motion, seconded by Ms. Levy, to approve the course as presented. The motion passed unanimously.

COMPLAINT STATUS AND CONSENT AGREEMENTS

Complaint 27-04-10 (Wright) Closed by Investigator

Mr. Chandler reported that Complaint 27-04-10 has been closed by an Investigator.

Complaint 27-01-12 Assigned to Mr. Torbert

Mr. Chandler reported that Complaint 27-01-12 was assigned to Mr. Torbert. Mr. Torbert stated that he had not been contacted by an investigator yet.

Complaint 27-06-11 (Fletcher) Consent Agreement for Consideration

Mr. Fletcher stated he had not been contacted by the Prosecutor regarding the Consent Agreement. As the Board contact, Mr. Fletcher recused himself from the discussion. Ms. Davis-Oliva summarized the Consent Agreement for the Board. After discussion, Ms. Byrd made a motion, seconded by Mr. Torbert, to accept the Consent Agreement for Complaint 27-06-11. The motion passed by a majority vote, with Mr. Fletcher recusing himself from the vote.

Complaint 27-05-11 (Fletcher) Consent Agreement for Consideration

As the Board contact, Mr. Fletcher recused himself from the discussion. Ms. Davis-Oliva summarized the Consent Agreement for the Board. After discussion, Ms. Byrd made a motion, seconded by Ms. Knox, to accept the Consent Agreement for Complaint 27-05-11. The motion passed by a majority vote, with Mr. Fletcher recusing himself from the vote.

OTHER BUSINESS BEFORE THE BOARD (for discussion only)

None

PUBLIC COMMENT

None

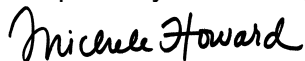
NEXT MEETING

The next Board meeting will be held on Tuesday, March 27, 2012, at 10:00 a.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business, Ms. Byrd made a motion, seconded by Ms. Knox, to adjourn the meeting at 11:12 a.m. The motion was unanimously carried.

Respectfully submitted,



Michele Howard
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.